

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MARTIN RUSSELL DIAMOND,)	
)	
Plaintiff,)	
)	
v.)	1:22CV287
)	
ODEDERE, <i>et al.</i> ,)	
)	
Defendant.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) on January 22, 2024, and was served on the parties in this action. (ECF Nos. 39, 40). Plaintiff filed Objections to the Magistrate Judge's Recommendation on January 30, 2024. (ECF No. 45.)

The Court has reviewed Plaintiff's Objections and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the instant Motion, (ECF No. 29), is **GRANTED IN PART** and **DENIED IN PART** as follows:

The Court **GRANTS** summary judgment for Defendant Parker on the lone (excessive force) claim against him and for Defendant Euote on Plaintiff's claim for failure to intervene during Defendant's use of force.

The Court **DENIES** summary judgment for Defendants Euote and Crisco on the other claims against them.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 8th day of March 2024.

/s/ Loretta C. Biggs
United States District Judge